

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|-------------------------------------|---|--------------|
| JANE DOE | : | CIVIL ACTION |
| | : | |
| v. | : | |
| | : | |
| INDEPENDENCE BLUE CROSS, | : | |
| QCC INSURANCE COMPANY and | : | |
| PERSONAL CHOICE HEALTH BENEFITS | : | |
| PLAN, a Comprehensive Major Medical | : | |
| Group Contract, by and Between QCC | : | |
| Insurance Company, a Pennsylvania | : | |
| Corporation, and Klasko Immigration | : | NO. 23-1530 |

ORDER

NOW, this 21st day of November, 2023, upon consideration of the Motion of Defendant Independence Blue Cross to Dismiss Counts I, II, III, V and VI of Plaintiff's Second Amended Complaint (Doc. No. 22), the plaintiff's response, and the defendant's reply, and after oral argument, it is **ORDERED** that the motion is **GRANTED IN PART** and **DENIED IN PART**.

It is **FURTHER ORDERED** as follows:

1. To the extent the motion seeks dismissal of Count I of plaintiff's Second Amended Complaint (Doc. No. 18), the motion is **DENIED**.
2. To the extent the motion seeks dismissal of Counts II, III, V, and VI of plaintiff's Second Amended Complaint, the motion is **GRANTED**.
3. Counts II, III, V, and VI of plaintiff's Second Amended Complaint are **DISMISSED WITH PREJUDICE**.


TIMOTHY J. SAVAGE, J.